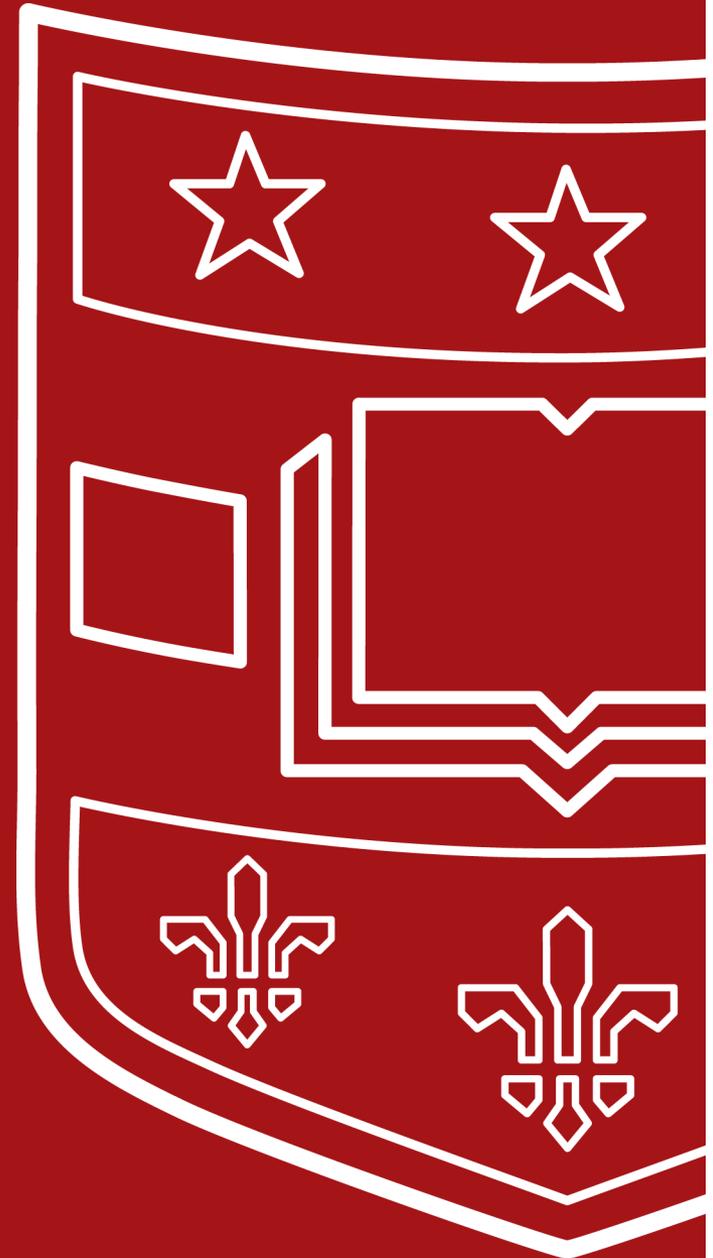


FERPA

Family Education Rights and Privacy Act





Background & Basics

- Federal legislation passed in 1974 and since amended
- AKA the Buckley Amendment; the Solomon Amendment is also related
- Designed to protect students' privacy and access to their education records
- Defines “directory” (public) and non-directory information and disclosure protections
- Framework of student rights and institutional responsibilities

Under FERPA, Students May



- Inspect and review their education records
- Request an amendment of their records to ensure they are not inaccurate, misleading or otherwise in violation of privacy or other rights
- Consent to release or request to restrict disclosure of personally identifiable information contained in their education records, except under certain limited circumstances when, by law, consent is not required
- File a complaint with the US Department of Education concerning alleged failures by Washington University to comply with FERPA requirements

Under FERPA, Institutions Must



- Define “directory” information within limits established by legislation
- Provide students the opportunity and mechanism to opt out of/restrict release of directory information (i.e. “FERPA block” or “FERPA invoke”)
- Only release non-directory information with a signed and dated consent form from the student, or within legal requirements to do so (e.g. accreditation, subpoena), or to a “school official” with a “legitimate educational interest” in the information
- Notify students of institutional FERPA policy annually

FERPA is *not*



- A data security or retention regulation – no provisions exist for how or how long data is stored
- A mechanism to appeal grades or amend/alter unfavorable records
- An excuse not to engage with third parties or other officials on campus
- The only law or policy that governs access to and release of student data (HIPAA, GDPR)
- Exclusively a post-secondary education regulation

FERPA applies to whom?



To any person who has registered for classes at an “educational institution” that “receives funds under any program administered by the Secretary [of Education]”

Differently to students at post-secondary institutions:
rights transition from parents to student upon
collegiate registration **regardless of age**

From registration until the student’s death

FERPA applies to what?



To any “education records” – information **recorded** in any way, including but not limited to handwriting, print or any media

To records that contain “personally identifiable information” about the student: name, address, ID numbers, or a “list of personal characteristics”

To records you might not think are education records

Education records:



Obviously include transcripts, grade reports, exams, assignments...

And also:

Disciplinary records

Photographs

Learning Management System use

Advising records and notes

Email messages to and from or about students

Enrollment (registration) records

NCAA records

ID Card swipe activity

Pretty much everything a University records and maintains, anywhere!

FERPA doesn't apply to:



Things not recorded

“Sole possession” records – my personal notes stored where only I have access (i.e. a desk drawer)

Admission/application records, unless they are retained after matriculation

Law enforcement records if they remain only in law enforcement control

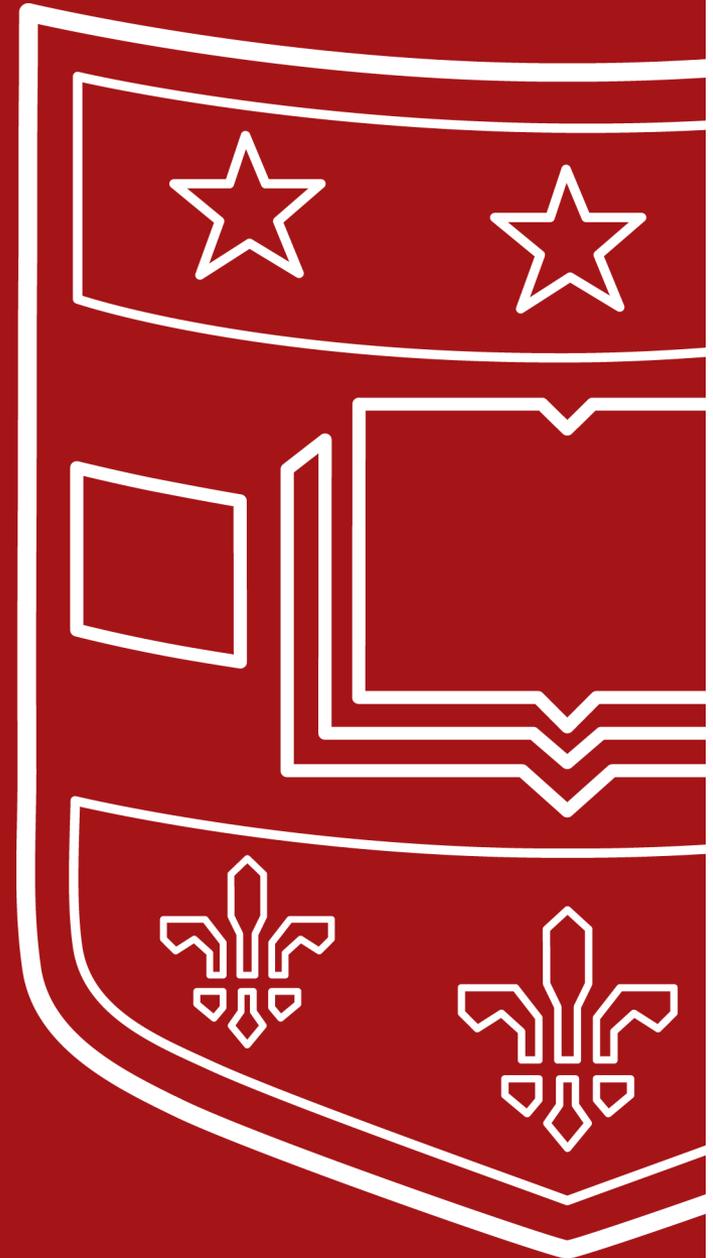
Employment records, unless student status is a job requirement (as in Federal Work Study)

Medical records (notes or treatment records from Habib)

Alumni records

FERPA

What are the exceptions that allow or require an institution to release information?



When may WashU release student info?



Education officials for audit and evaluation purposes; accrediting organizations

Organizations conducting studies or services for or on behalf of an institution (attorney, collection agent, software vendor)

To comply with a judicial order or lawfully issued subpoena

In case of health or safety emergencies

Parents of a “dependent” student as verified by IRS documentation

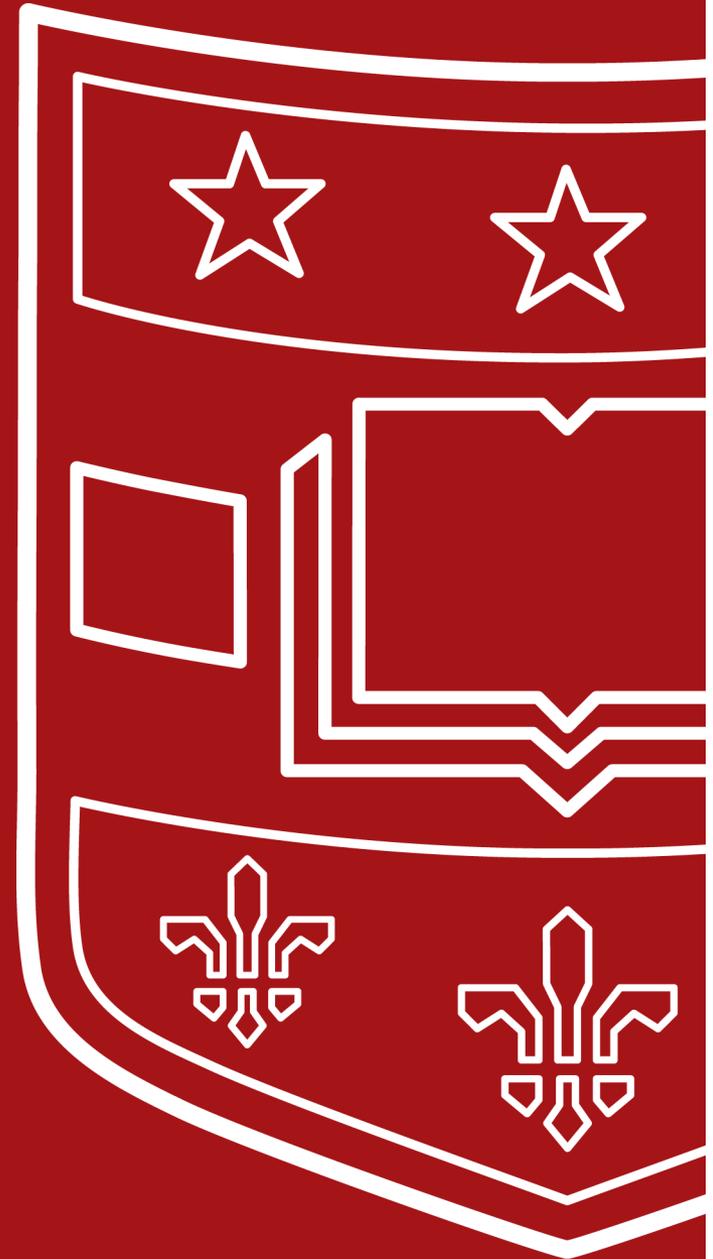
School Officials with a Legitimate Educational Interest



- **School Officials** are employed by WashU in an administrative, supervisory, academic, research or support staff position
- **A person acting on WashU's behalf** or as its agent (attorney, auditor, collection agent, or software vendor)
- **Legitimate educational interest** in that they perform a job or contracted task for which they must use the record/data; acts in the student's educational interest, with directly identifiable educational relationship with the student(s) involved, for an educationally related purpose
- **For staff with system access** – this last definition is particularly relevant; data mishandling most often occurs when data is accessed for curiosity or out of a personal relationship or interest in specific education records

FERPA

Washington University's Policy



Institutional Policy & Practice



- Provides an institutional playbook to notify students how we behave and to guide administrative actions, particularly critical in decentralized institutions and in stressful situations
- University registrars are typically responsible for maintaining the FERPA policy, educating the institutional community and encouraging/ensuring compliance, in partnership with the Office of General Counsel
- Defines institutional response where FERPA allows rather than requires information release or restriction, e.g. lists of email addresses for internal use, after the death of a student or for parents
- Ideally is paired with record retention policies such that regardless of what school or division maintains records for students, the response to a request for records would be the same across units; retention policies also encourage destruction of records that should not be retained permanently

Washington University's FERPA Policy



- Full name
- Home & local address
- Telephone numbers
- Email address
- Photo/video image
- Academic division & field of study
- Dates of attendance
- Previous schools attended
- Graduation dates and degrees earned at WashU
- Class year
- Academic awards/honors
- Participation in intercollegiate athletics
- Height and weight (NCAA Division III athletes only)

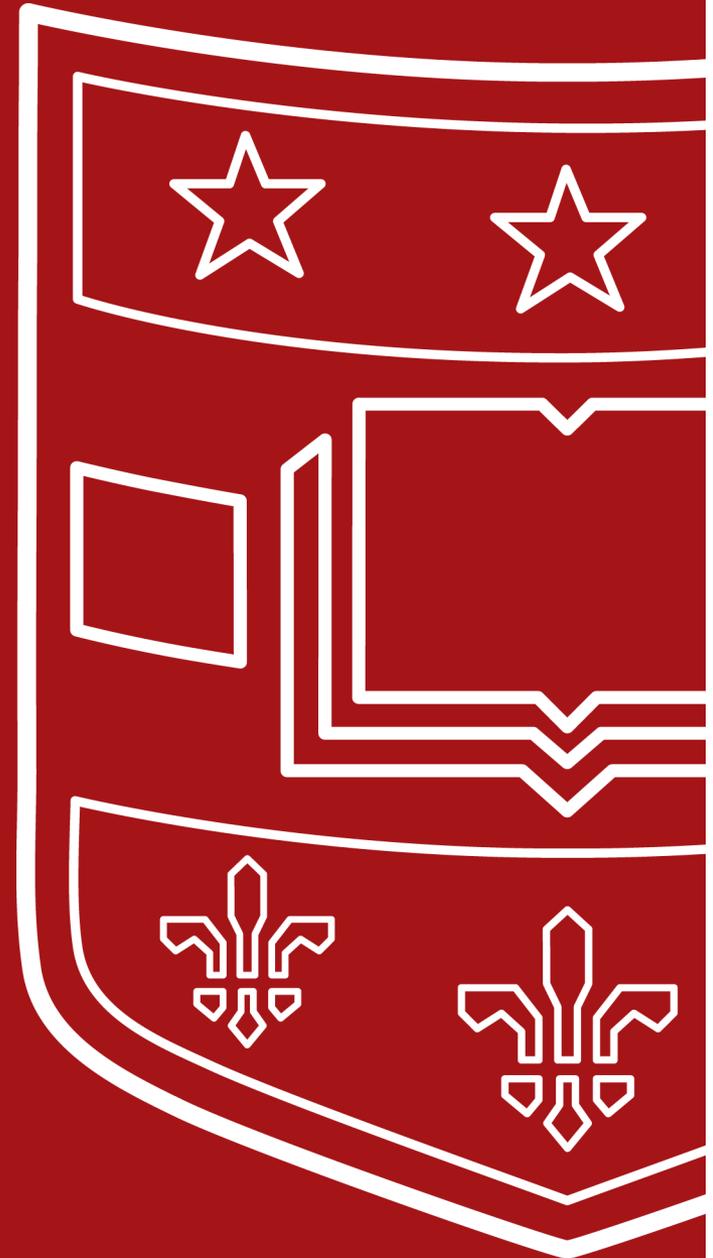
[FERPA & Privacy | Office of
the University Registrar |
Washington University in St.
Louis \(wustl.edu\)](#)

Keri Disch

University Registrar

Keri.disch@wustl.edu

314-935-5567



FERPA is designed to protect the privacy of student records. WashU employees and contractors who have access to records are legally responsible for:

- ✓ Knowledge of FERPA
- ✓ Protecting students' rights under FERPA
- ✓ Appropriately accessing student education records

